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Attorneys for Defendants/Counterclaimant
 And Third Party Plaintiff Kimcarter.com, LLC,
 And Kimberley Carter and Eddie Carter

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEX, INC., a California Corporation,
 Plaintiff,

v.

KIMCARTER.COM, LLC, an Arizona Limited
 Liability Company, KIMBERLEY CARTER and
 EDDIE CARTER, an individual, EDDIE
 CARTER, an individual, and DOES I-100,
 Defendants.

KIMCARTER.COM, LLC, an Arizona Limited
 Liability Company,
 Counterclaimant,

v.

ALEX, INC., a California Corporation,
 Counterdefendant.

KIMCARTER.COM, LLC, an Arizona Limited
 Liability Company,
 Third Party Plaintiff,

v.

SANDY STEIN,
 Third Party Defendant.

Case No.: C 09-00491 MMC

**STIPULATION TO DISMISS
 WITH PREJUDICE AND
~~[PROPOSED]~~ ORDER**

JABURG & WILK, P.C.
 ATTORNEYS AT LAW
 3200 NORTH CENTRAL AVENUE
 SUITE 2000
 PHOENIX, ARIZONA 85012

1 STIPULATION TO DISMISS AND [PROPOSED] ORDER

1 This matter having been settled, the parties hereby stipulate that the claims,
2 counterclaims and third party claims in the above-referenced matter be dismissed, with
3 prejudice, each party to bear their own costs and attorneys' fees.

4 DATED this 22nd day of October, 2009.

5
6 **JONES DAY**

7
8 /s/ Brett A. Lovejoy
9 Brett A. Lovejoy
10 Attorneys for Defendant/Counterclaimant
and Third Party Plaintiff

11
12 **JABURG & WILK, P.C.**

13
14 /s/ David S. Gingras
15 David S. Gingras
16 Attorneys for Defendant/Counterclaimant
17 and Third Party Plaintiff

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Certificate of Electronic Service

I hereby certify that on October 22, 2009 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Brett A. Lovejoy, Esq.
Roderick A. McLeod, Esq.
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Attorneys for Plaintiff/Counterdefendant Alexx, Inc.

And a courtesy copy of the foregoing mailed to:

Honorable Maxine M. Chesney
United States District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

/s/ David S. Gingras

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PHOENIX, ARIZONA 85012

1
2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
5

6 ALEXX, INC., a California Corporation,

7 Plaintiff,

8 v.

9 KIMCARTER.COM, LLC, an Arizona Limited
10 Liability Company, KIMBERLEY CARTER and
11 EDDIE CARTER, an individual, EDDIE
12 CARTER, an individual, and DOES I-100,

13 Defendants.

14 And Related Claims.

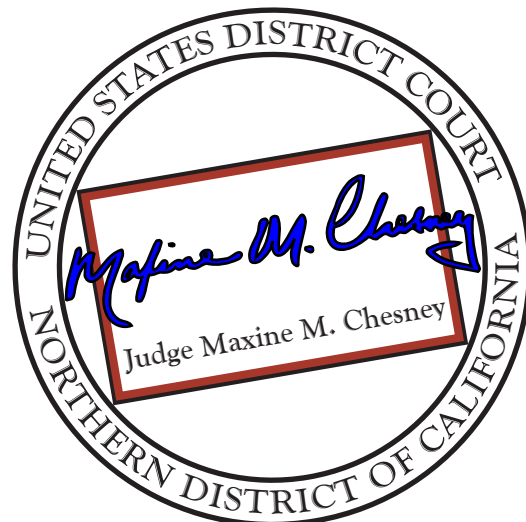
Case No.: C 09-00491 MMC

~~PROPOSED~~
ORDER

15 Pursuant to the Stipulation of the parties and good cause shown;

16 IT IS HEREBY ORDERED that the claims, counterclaims and third party claims
17 in the above-referenced matter be dismissed, with prejudice, each party to bear their own
18 costs and attorneys' fees.

19 DATED: October 23, 2009



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